

SHER TREMONTE LLP

August 3, 2023

BY ECF

Hon. Taryn A. Merkl
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Cuomo v. Office of the N.Y. State Attorney General*, 22-mc-03044
(LDH) (TAM)**

Dear Judge Merkl:

We write concerning the Motion for Reconsideration (“MFR”) we filed earlier this week, ECF No. 40, and the Court’s related August 2, 2023 order. We sincerely apologize for not complying with EDNY Local Civil Rule 6.3. We write (i) to seek leave of the Court to withdraw our original MFR, and (ii) to seek permission to refile the MFR with a supporting declaration or, in the alternative, to refile the MFR with the new information attached as exhibits.

Where a declaration “present[s] the factual allegations underlying” the motion for reconsideration, the Court has discretion under Local Rule 6.3 to either “permit the filing of the declaration” or require the submission of the essential facts “in some other form.” *Williams v. Citigroup Inc.*, 659 F.3d 208, 214 n.3 (2d Cir. 2011). The purpose of the declaration or exhibits is to put before the Court important information relevant to the Motion to Compel that was not available as of the time original briefing was completed in March 2023. This new information is relevant to our reconsideration arguments and includes Trooper 1’s recent affirmance that she intends to rely on the OAG Report in connection with her claims.

The refiled MFR would still be timely because the deadline for filing is tomorrow, August 4. In addition, the OAG would not be prejudiced by our putting this new information before the Court.

We appreciate the Court’s attention to this request.

Respectfully submitted,

/s/ Theresa Trzaskoma

Theresa Trzaskoma